

REMARKS

Claims 1-16 are pending in the present application. Claims 1-16 have been rejected. Claim 1, 5, 8-10 and 14-16 have been amended. No new matter has been added. Accordingly, claims 1-16, as amended, are now pending in the present application.

Amendments to Specification

Examiner has commented as to the abstract, providing a reminder to Applicant of certain rules and content formalities. Applicant has reviewed the Abstract and has submitted a replacement Abstract which merely has removed certain terms from the originally-filed Abstract. As a result the net word count has been reduced to under 150 words, as requested by Examiner. Applicant has not added any new matter or content to the replacement Abstract.

35 U.S.C. §101 REJECTIONS

Examiner has rejected claims 14-16 under 35 USC §101 as being directed to non-statutory subject matter. Applicant has amended claims 14-16 in response to Examiner's rejection and believes the amendments traverse the rejection. Accordingly, Applicant requests a withdrawal of the rejection.

35 U.S.C. §112 REJECTIONS

Examiner has rejected claims 10 and 16 under 35 USC §112 ¶ 1 as failing to comply with the written description requirement. More particularly, Examiner has

rejected the identified claims due to the recitation of “generating automated script information, for recording.” Applicant notes that in addition to the originally filed claims and the specification,” Applicant suggests Examiner to consider the specification more specifically at page 3, paragraph 1; page 5, paragraph 1; and page 6, paragraph 2. Therein, Examiner shall identify statements including but not limited to “... the present invention utilizes accessibility screen reader technologies in order *to create automated script files* to launch program events. “ Applicant further notes that originally-filed claims 10 and 16 per se present basis to the matter, and the amendments to improve the readability of claims 10 and 16 previously filed have not altered the presented terminology per se. While Applicant believes that the grammatical and structural terminology of the originally-filed claims presents a similar basis as the exact language of the identified foundational references in the specification, Applicant has amended the claims to more precisely represent the language found in the specification; however, in so doing, Applicant reserves all rights to the breadth of originally-filed claims and claims scope therein.

35 U.S.C. §103 REJECTIONS

Claims 1-9 and 13-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2005/0060719 A1 to Gray et al. (hereinafter Gray) in view of United States Patent 6,046,741 to Hochmuth. Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2005/0060719 A1

to Gray et al. (hereinafter Gray) in view of United States Patent 6,046,741 to Hochmuth and further in view of United States Patent 7,231,606 82 to Miller et al. (hereinafter Miller). Applicant appreciates Examiner's comments, but respectfully disagrees with the rejections for the reasons following.

Applicant has amended claims 1, 5, 8-10 and 14-16 and presents below claim 1 as a claim representative of the present invention.

Claim 1 as amended presents: A system for creating and accessing an object accessible directly from a desktop of a computer system, the computer system including an application and an operating system; the system comprising:

a plurality of application programming interfaces (APIs) calls in the operating system, the plurality of API calls being utilized to obtain and set state information related to the application; and

a record/playback application stored on the computer system, the record/playback application being capable of directly generating and reading automated script based upon the plurality of API calls to record actions that represent the operations of the application and to replay actions that represent operations of the application by invoking the object directly from the desktop, wherein the actions are in relation to a user's access and objects accessed by the user.

Applicants assert that Examiner's cited references do not teach suggest or otherwise motivate one toward Applicant's invention, and even where the disclosed teachings of the cited references were adopted, the present invention would be fail to operate as designed.

On inspection of Gray, the examples cited by the Examiner as well as the instruction and teaching of Gray, do not support the assertions set forth by Examiner, alone or in combination, with Hochmuth – rather, contradistinctively, Gray discloses an indirect process for acquiring user events by processing each user event into a an entry file after an event engine is instructed by a user interface to undertake a specific performance.

For instance, in ¶0007 of Gray, it is instructive to note that Gray teaches “an event engine is instructed through a user interface to capture and to process a user event...” Similarly, a “user event” as determined by Gray includes that “corresponding to clicking on menu,” (see ¶0036) which is reflective of a user actions possibly independent or unrelated to an operation of an application. Further the files created by Gray are not necessarily scripts nor automated (see generally ¶0038).

Additionally, Gray is purposefully precise in its instruction at ¶0036 that “[A]n event engine component 211 receives commands from User Interface so that event engine 211 is configured to capture and process user events.” Gray requires that a user interface function be uniquely situated to command and activate the event engine of Gray apart from the application of interest, in order to operate as schemed by Gray (as is further illustrated in Gray’s Figure 2 showing the dependent relationship between the user interface 207 and the event engine 211, and the distinctive (i.e. separate) independence as between the user interface 211 and the application 205 itself.

Additionally, Gray does not disclose or suggest the plurality of API calls being utilized to obtain and set state information related to the application as is in the present invention. Gray also does disclose a record/playback application being capable of directly generating and reading automated script.

Further, the Examiner has noted that Gray's does not explicitly disclose to replay actions that represent operations of the application by invoking the object directly from the desktop, but suggests that Hochmuth teaches to replay actions that represent operations of the application by invoking the object directly from the desktop (col. 1, lines 64-67). The Examiner further comments that "[I]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event file of Gray with the teachings of shortcut script from Hochmuth because this feature would have provided a mechanism which places an icon on the computer desktop that, when chosen by the user, will execute those commands, with their parameters of the shortcut script (col. 1, lines 62- 67 of Hochmuth)."

Applicant appreciates the commentary but respectfully disagrees for, in part, the mere placement of the icon on the computer desktop by Hochmuth lacks the functional basis of the operation of the present invention.

Hochmuth presents an approach for automating command sequence input into a graphical user interface absent user intervention for an intuitive and non-complex user (See Column 1, lines 44-49). Hochmuth attempts to avoid user intervention by providing a dialog box, following a precise routine, which asks the user if a shortcut script should be created for a sequence or pattern, and

thereafter places an icon on the desktop to later execute as a shortcut the sequence or pattern of the script. (See Column 1, lines 62-67). The precise routine of Hochmuth first demands that an event log be gathered, the events then be assessed, the assessed events then be ranked or compared, and the compared events then be identified in relation to specified parameters. Once the identified events are identified, inclusive of gathering and assessing the date and time of the events as is required with events of the event log, then and only then is a dialog presented to the user for inquiry as to what to do next – should a script be created or not? If the user affirmatively answers, then “an icon is placed on the computer desktop that, when chosen by the user, will execute those commands, with their parameters.” (See Column 1, lines 50-67). As a result, the Hochmuth methodology is incompatible with the present invention as well as the teachings of Gray.

Hochmuth thus is prescriptively instructive in preparing a canned script as a narrow executable via a shortcut to perform a limited action requiring intervening user approvals. The Hochmuth script is available only after having an affirmation from an intervening user who is unaware of the events and their relationships as to the purpose of the script.

Additionally, Hochmuth does not disclose or suggest the plurality of API calls being utilized to obtain and set state information related to the application as is in the present invention. Hochmuth also does disclose a record/playback application being capable of directly generating and reading automated script.

Further Hochmuth does not disclose or instruct towards a record/playback application stored on the computer system, the record/playback application being capable of directly generating and reading automated script based upon the plurality of API calls to record actions that represent the operations of the application and to replay actions that represent operations of the application by invoking the object directly from the desktop, wherein the actions are in relation to a user's access and objects accessed by the user. Contradistinctively, Hochmuth teaches that it is event-based and not action-based nor based upon actions of the user. The mere placement of an icon, or the shortcut of an application or executable, on a desktop by Hochmuth is insufficient for adequate operation of the present invention.

The Gray scheme requires and teaches steps not required by the present invention, and more particularly, discloses additional steps which are counterintuitive to and antithetic towards the approach of the present application. Hochmuth is similarly situated as to the present invention.

As a result, since the present application is able to directly generate and read automated script, invoke a created object directly from the desktop, and avoid the additional functional, operational, and constraining requirements of Gray and Hochmuth, alone or in combination, the present application is not only distinctive from Gray and Hochmuth, but is also operatively different than Gray and Hochmuth.

As such, since Gray and Hochmuth, alone or in combination, neither anticipates nor is instructive in or towards the present application, Applicants believe the present set of rejections are rendered moot with respect to claim 1.

Therefore, as amended, independent claim 1 and the related dependent claims are patentable over the cited references.

Likewise, for reasoning similar thereto, independent claims 5, 8, 10, 14, 15 and 16, and each of their respective dependent claims, are also patentable over the cited references.

Accordingly Applicant asserts all rejections have been rendered moot or have been traversed, and respectfully requests Examiner to withdraw all rejections. Applicant therefore respectfully requests reconsideration and allowance of all pending claims as now presented. Applicant respectfully requests that this Amendment under 37 CFR §1.116 be entered by the Examiner, placing claims 1-16 in condition for allowance.

Applicants submit that the proposed amendments presented do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore this Amendment should allow for immediate action by the Examiner.

Applicants respectfully request entry of this amendment and timely notice of allowance. Furthermore, Applicants submit that entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Applicants' attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

April 21, 2008

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